

GEORGIA BOARD OF DENTISTRY
Board Meeting
2 Peachtree St., N.W., 5th Floor
Atlanta, GA 30303
September 14, 2018
10:00 a.m.

The following Board members were present:

Dr. Richard Bennett, President
Ms. Becky Bynum
Dr. Tom Godfrey
Dr. Steve Holcomb
Ms. Wendy Johnson
Dr. Antwan Treadway
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Bryon Thernes, Assistant Attorney General
Max Changus, Assistant Attorney General
Ryan McNeal, Chief Investigator
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Scott Lofranco, GDA
Charles Craig, GDHA
Carol Lefebvre, Dental College of Georgia
John Watson, ADSO
Ryan Loke, PDS
Keith Kirshner, Ben Massell Clinic
Lyndsay Langston
Joseph McLeon, Great Expressions
Pam Wilkes, Help A Child Smile
Oluwatoyin Alli

Dr. Bennett established that a quorum was present and called the meeting to order at 10:03 a.m.

Open Session

Introduction of Visitors

Dr. Bennett welcomed the visitors.

Approval of Minutes

Dr. Yeargan made a motion to approve the Public and Executive Session minutes for the August 3, 2018 meeting. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

Licenses to Ratify

Dr. Yeargan made a motion to ratify the list of licenses issued. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver from Christian S. Silveira

Dr. Godfrey made a motion to deny the rule waiver petition. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Correspondence from Angie Wallace, Academy of Laser Dentistry

The Board considered this correspondence regarding photo biomodulation therapy as a delegated duty for dental hygienists. Dr. Bennett commented that the Rules Committee did have some discussion on this

matter at its meeting that morning. The Board recommended receiving this correspondence as information and referring to the Rules Committee.

Correspondence from Caroline Brown

The Board considered this correspondence regarding dental hygienists providing hygiene services for payment outside of a dentist's office. Dr. Holcomb made a motion to direct staff to respond by referring Ms. Brown to the Official Code of Georgia Annotated ("O.C.G.A.") § 43-11-74(o)(2) which states "*Nothing in this Code section shall be construed to establish independent dental hygiene practice.*" As such it would be against Georgia law to open a dental hygiene facility as she has described. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Correspondence from Stephanie Derfus

The Board considered this correspondence requesting clarification on duplication of duties listed under General Duties and Expanded Duties. Dr. Godfrey asked if this was a question for the Department of Law. Under these duties are they exclusive to the list, or can they be shared? Ms. Emm responded by stating that there are educational requirements that must be met in order to perform the duties listed in Rule 150-9-.02 Expanded Duties of Dental Assistants. Whereas if listed under Rule 150-9-.01 General Duties of Dental Assistants, either the dental assistant or the expanded duties dental assistant can perform the duty. Dr. Godfrey asked if there was an issue with the duplicate duties being on both lists and which one would prevail. Mr. Changus responded by stating under general duties. He stated if identified under general, then that is where it belongs and if the rule needs to be amended, then the Board should do that. Dr. Yeargan made a motion to direct staff to respond by stating if the duties are listed under General Duties or both, it would be dictated by the lesser training requirement. Ms. Johnson seconded. Discussion was held by Dr. Treadway, who asked about supervision. Dr. Bennett responded by stating both General Duties and Expanded Duties require direct supervision. With no further discussion, the Board voted unanimously in favor of the motion. In the same motion, the Board voted to refer this matter to the Rules Committee.

Correspondence from Dr. Steven R. Olmos

The Board considered this correspondence regarding low level laser therapy. Dr. Treadway made a motion to refer this correspondence to the Rules Committee. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Correspondence from Sabrina Sims McAfee

Dr. Holcomb made a motion to table this matter until it receives legal advice from Mr. Thernes in Executive Session. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Temilade Kadree

The Board considered this correspondence requesting to know what the appropriate method is to manage dental records after closure of a personal dental practice in 2008. Dr. Holcomb made a motion to refer Dr. Kadree to the Board's Guidelines for Practice Closure on its website. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Tim Grantham

The Board considered this correspondence inquiring if there is an approved dental assisting course that qualifies dental assistants to give a rubber cup prophylaxis to children 12 years of age and under. Dr. Grantham's correspondence also requested to know what the procedure is for starting a course for such. Dr. Holcomb made a motion to direct staff to respond by stating there are currently no approved programs at this time. To seek approval the school would need to submit a syllabus and include those bullet points listed on the "Request for Review/Approval of Expanded Duties of Dental Assistants Program Form"

found on the Board's website. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Monica Drew

The Board considered this correspondence regarding giving a dental release prior to orthopedic joint replacement. Discussion was held regarding there being concerns when a dentist is asked to do a clearance with no guidelines. Dr. Treadway commented that there is no way one can certify that there is no risk. After further discussion, the Board recommended Dr. Treadway provide the guidelines issued by the American Association of Oral & Maxillofacial Surgeons so that it can review and discuss and the next scheduled meeting.

Correspondence from Oneil Pusey, Dekalb County

The Board considered this correspondence regarding a customer that is applying for a business license to manufacture Dental Zirconia Ceramic Disc. Mr. Pusey's correspondence asks if a permit is required from the state or another agency before the business license can be issued by the county. Dr. Holcomb made a motion to direct staff to respond by stating the Board appreciates his inquiry; however, he is also to be advised that the Board does not have any jurisdiction regarding the matter. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Thomas W. Kauffman

The Board considered this request to speak to its members regarding the rules not being clear concerning cone beam and dental imaging and who can review the images without violating the Georgia Practice Act. Dr. Holcomb made a motion to direct staff to schedule Dr. Kauffman to meet with the Rules Committee to discuss this matter and to request Dr. Kauffman to provide information prior to the meeting for the Board to review. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion. In the same motion, the Board requested Dr. Treadway attend the Rules Committee Meeting when Dr. Kauffman is scheduled.

Correspondence from Dr. Nancy L. Addy

The Board viewed this correspondence for informational purposes only.

Correspondence from Heather S. Jaramillo, University of New Mexico Extended Learning

The Board considered this correspondence regarding whether or not the Board requires online degree providers to gain approval before offering courses to students located in the state. Ms. Bynum made a motion to direct staff to respond by stating that the Board does not approve dental hygiene programs at any level. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Correspondence from Carol Tamplin, RPh

The Board considered this correspondence asking if it is legal for a dentist to prescribe medications for himself and family members. Dr. Bennett asked for Ms. Johnson's opinion on this matter. Ms. Johnson responded that she thinks if it is for a legitimate dental purpose she would fill the prescription without hesitation, but not for herself. Dr. Holcomb commented for family members and legitimate patients of record, it would be acceptable. Ms. Emm stated that the Georgia Composite Medical Board has guidelines stating that doctors are not to write prescriptions for themselves. Ms. Battle added that the Board of Pharmacy does have a rule stating the pharmacist does not have to fill any prescription he/she does not feel comfortable with. Dr. Yeargan made a motion to have a copy of the Medical Board's rule be provided to the Rules Committee so that it can work on language regarding this matter. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

General – Dr. Richard Bennett

No report.

CE Audit Committee Report – Dr. Richard Bennett

No report.

General Anesthesia Committee Report – Dr. Antwan Treadway

No report.

Conscious Sedation Committee Report – Dr. Richard Bennett

No report.

Credentials Committee Report – Dr. Greg Goggans

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

No report.

Examination Committee Report – Dr. Bert Yeargan

No report.

Investigative Committee Report – Dr. Bert Yeargan

No report.

Legislative Committee Report – Dr. Greg Goggans

No report.

Licensure Overview Committee Report – Dr. Tracy Gay

No report.

Rules Committee Report – Dr. Tom Godfrey

Dr. Godfrey discussed a request he presented last year concerning impacted licensees with Hurricane Irma. He stated that the East Coast will be impacted by Hurricane Florence. Dr. Godfrey made a motion for the Rules Committee to review what the Board did previously regarding reduced application fees for those impacted licensees applying for licensure by credentials. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Education Committee Report – Dr. Tom Godfrey

Dr. Godfrey stated he was happy to have Dean Lefebvre present at the meeting today.

Long Range Planning Committee Report – Dr. Steve Holcomb

No report.

CRDTS Steering Committee – Dr. Logan Nalley

Dr. Holcomb stated that the annual meeting was recently held and a new Exam Review Committee (ERC) Chair was elected.

IP Committee Report – Dr. Richard Bennett

No report.

EDDA Review Committee – Dr. Greg Goggans

No report.

Executive Director’s Report – Ms. Tanja Battle

Ms. Battle reported that the Board is now 90% compliant with the PDMP requirements. She stated the Board office is making efforts to contact the remaining 10%.

Sedation Evaluator List: Ms. Battle reported that the approved list of sedation evaluators is growing smaller. She stated that there are seven (7) that state they are no longer available to conduct the evaluations. She requested the Sedation Committee provide additional recommendations in order to move forward.

Correspondence from Dr. Adam Barefoot, Department of Public Health: Ms. Battle discussed this correspondence from Dr. Barefoot regarding the survey mandated by O.C.G.A. § 43-11-74(q) which requires the Board to provide a report on the number of licensed dentists providing dental hygienist services under general supervision in certain settings. Dr. Barefoot is requesting to know if the Board can expand the survey to include private settings and the counties in which they are located. Dr. Bennett respond that the county of origin and where the individual practices is important. He added that this would be great demographic information to share with other state agencies. Dr. Bennett stated that it would be helpful to see the survey as is and discuss suggestions at the next scheduled meeting.

Attorney General’s Report – Mr. Bryon Thernes

No report.

Legal Services – Ms. Kimberly Emm

Correspondence from Joni Hull: The Board considered this correspondence regarding an FQHC covered by the Federal Tort Claims Act. Ms. Hull asks would a hygienist operating under general supervision at their FQHC be required to have professional liability insurance in addition to FTCA? After discussion by the Board, it was recommended that staff refer Ms. Hull to section (6) of Rule 150-5-.03 and suggests she speak with her own legal counsel to see if a dental hygienist is covered per the described minimum for services rendered under general supervision.

Miscellaneous

Dental Screening Request from Cheryl Mills: Ms. Bynum made a motion to approve the request. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Dr. Tom Godfrey made a motion and Ms. Becky Bynum seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §43-1-19(h)(2), §43-11-47(h) and §43-1-2(k) to deliberate and receive information on applications. Voting in favor of the motion were those present who included Dr. Richard Bennett, Ms. Becky Bynum, Dr. Tom Godfrey, Dr. Steve Holcomb, Ms. Wendy Johnson, Dr. Antwan Treadway and Dr. Bert Yeargan.

Executive Session

Appearance

- O.A.

Licensure Overview Committee Appointments/Discussion Cases

- L.A.C.
- J.E.M.
- B.L.I.
- L.A.C.
- J.M.F.

Applications

- J.R.L.
- H.N.
- Y.J.B.
- D.J.K.
- K.A.R.
- E.R.
- G.N.S.
- M.H.
- D.R.W.
- S.J.S.
- S.T.H.
- K.A.N.

Investigative Committee Report

Report Presented:

- DENT150121
- DENT150129
- DENT150328
- DENT160067
- DENT160318
- DENT160469
- DENT160500
- DENT170055
- DENT170085
- DENT170179
- DENT170181
- DENT170183
- DENT170195
- DENT170204
- DENT170214
- DENT170269
- DENT170230
- DENT170301
- DENT180016
- DENT180038
- DENT180094
- DENT180096
- DENT180104
- DENT180108
- DENT180122
- DENT180143
- DENT180161
- DENT180162
- DENT180183
- DENT180184
- DENT180192

- DENT180200
- DENT180205
- DENT180255
- DENT180256
- DENT180265
- DENT180266
- DENT180267
- DENT180270
- DENT180288
- DENT180295
- DENT180298
- DENT180300
- DENT180302
- DENT180304
- DENT180309
- DENT180311
- DENT180312
- DENT180315
- DENT180320
- DENT180321
- DENT180323
- DENT180333
- DENT180334
- DENT180339
- DENT180341
- DENT180345
- DENT180350
- DENT180351
- DENT180358
- DENT180360
- DENT180368
- DENT180369
- DENT180370
- DENT180377
- DENT180381
- DENT180383
- DENT180393
- DENT180397
- DENT180401
- DENT190019
- DENT190023
- DENT190036
- DENT190038
- DENT190041
- DENT190044
- DENT190052
- DENT160025
- DENT150291

- DENT160529

Executive Director’s Report – Ms. Tanja Battle

Discussed list of non-compliant dentists as it relates to the PDMP requirements.

Attorney General’s Report – Mr. Bryon Thernes

Mr. Thernes presented the following consent orders for acceptance:

- M.Y.F.
- D.A.P.
- S.N.

Mr. Thernes advised the Board that the status of the Board’s request for legislative authority regarding the proposed teeth whitening rule is still pending.

Mr. Thernes gave legal advice regarding correspondence submitted from S.S.M.

Legal Services – Ms. Kimberly Emm

- J.R.C.

No votes were taken in Executive Session. Dr. Bennett declared the meeting back in Open Session.

Open Session

Dr. Yeargan made a motion to approve all recommendations based on deliberations made in Executive Session as follows:

Licensure Overview Committee Appointments/Discussion Cases

- | | | |
|----------|--|--------------------------------|
| • L.A.C. | Request regarding monitoring physician | Approved request |
| • J.E.M. | Renewal Pending | Refer to the Department of Law |
| • B.L.I. | Renewal Pending | Refer to the Department of Law |
| • L.A.C. | Dental Hygiene Exam Applicant | Approved application |
| • J.M.F. | Dental Exam Applicant | Approved application |

Applications

- | | | |
|----------|--------------------------------------|--|
| • J.R.L. | Dental Hygiene Exam Applicant | Schedule to meet with the Licensure Overview Committee |
| • H.N. | Dental Hygiene Exam Applicant | Table pending receipt of additional information |
| • Y.J.B. | Dental Exam Applicant | Approved |
| • D.J.K. | Dental Credentials Applicant | Table pending receipt of additional information |
| • K.A.R. | Dental Hygiene Credentials Applicant | Denied application |
| • E.R. | Dental Hygiene Reinstatement | Refer to Legal Services |
| • G.N.S. | Dental Reinstatement Applicant | Refer to Legal Services |
| • M.H. | Dental Hygiene Reinstatement | Approved application |
| • D.R.W. | Conscious Sedation Applicant | Approved for provisional permit |
| • S.J.S. | Conscious Sedation Applicant | Approved for provisional permit |
| • S.T.H. | Conscious Sedation Applicant | Approved for provisional permit |
| • K.A.N. | Extension request | Approved extension of provisional |

Investigative Committee Report

Report Presented:

Complaint Number	Allegations	Recommendation
DENT150121	Quality of Care/Substandard Practice	Schedule for Interview
DENT150129	Quality of Care/Substandard Practice	Close No Action
DENT150328	Quality of Care/Substandard Practice	Refer to Department of Law
DENT160067	Quality of Care/Substandard Practice	Close No Action
DENT160318	Quality of Care/Substandard Practice	No Further Action to be Taken; Leave case closed
DENT160469	Quality of Care/Substandard Practice	Schedule for Interview
DENT160500	Quality of Care/Substandard Practice	Close No Action
DENT170055	Quality of Care/Substandard Practice	Further Investigation Needed
DENT170085	Quality of Care/Substandard Practice	Schedule for Interview
DENT170179	Quality of Care/Substandard Practice	Close No Action
DENT170181	Quality of Care/Substandard Practice	Close No Action
DENT170183	Quality of Care/Substandard Practice	Close No Action
DENT170195	Quality of Care/Substandard Practice	Schedule for Interview
DENT170204	Quality of Care/Substandard Practice	Request Peer Review
DENT170214	Quality of Care/Substandard Practice	Close No Action
DENT170269	Quality of Care/Substandard Practice	Close No Action
DENT170230	Quality of Care/Substandard Practice	Close No Action
DENT170301	Quality of Care/Substandard Practice	Schedule for Interview
DENT180016	Quality of Care/Substandard Practice	Schedule for Interview
DENT180038	Quality of Care/Substandard Practice	Request Peer Review
DENT180094	Unprofessional Conduct	Close with Letter of Concern
DENT180096	Unlicensed Practice	Close No Action
DENT180104	Quality of Care/Substandard Practice	Close No Action
DENT180108	Quality of Care/Substandard Practice	Close No Action
DENT180122	Quality of Care/Substandard Practice	Close No Action
DENT180143	Quality of Care/Substandard Practice	Schedule for Interview
DENT180161	Malpractice	Close No Action
DENT180162	Quality of Care/Substandard Practice	Schedule for Interview
DENT180183	Quality of Care/Substandard Practice	Close No Action
DENT180184	Quality of Care/Substandard Practice	Close No Action
DENT180192	Quality of Care/Substandard Practice	Schedule for Interview
DENT180200	Malpractice	Close No Action
DENT180205	Quality of Care/Substandard Practice	Close No Action
DENT180255	Quality of Care/Substandard Practice	Close No Action
DENT180256	Quality of Care/Substandard Practice	Close No Action
DENT180265	Quality of Care/Substandard Practice	Close No Action
DENT180266	Quality of Care/Substandard Practice	Schedule for Interview
DENT180267	Quality of Care/Substandard Practice	Close No Action
DENT180270	Quality of Care/Substandard Practice	Obtain Records and Request Peer Review
DENT180288	Quality of Care/Substandard Practice	Close No Action
DENT180295	Quality of Care/Substandard Practice	Close No Action

DENT180298	Quality of Care/Substandard Practice	Close No Action
DENT180300	Quality of Care/Substandard Practice	Close No Action
DENT180302	Malpractice	Close with Letter of Concern
DENT180304	Malpractice	Close No Action
DENT180309	Malpractice	Close with Letter of Concern
DENT180311	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180312	Unprofessional Conduct	Tabled until 10/5
DENT180315	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180320	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180321	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180323	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180333	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180334	Billing	Tabled until 10/5
DENT180339	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180341	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180345	Billing	Tabled until 10/5
DENT180350	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180351	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180358	Billing	Tabled until 10/5
DENT180360	Morbidity and Mortality	Tabled until 10/5
DENT180368	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180369	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180370	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180377	Billing	Tabled until 10/5
DENT180381	Malpractice	Tabled until 10/5
DENT180383	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180393	Quality of Care/Substandard Practice	Tabled until 10/5
DENT180397	Malpractice	Tabled until 10/5
DENT180401	Quality of Care/Substandard Practice	Tabled until 10/5
DENT190019	Abandonment	Tabled until 10/5
DENT190023	Unprofessional Conduct	Tabled until 10/5
DENT190036	Impairment / Other	Request letter from physician regarding DN's ability to practice safely.
DENT190038	Records release	Tabled until 10/5
DENT190041	Unprofessional Conduct	Tabled until 10/5
DENT190044	Unprofessional Conduct	Tabled until 10/5
DENT190052	Quality of Care/Substandard Practice	Tabled until 10/5
DENT160025	Quality of Care/Substandard Practice	Tabled until 9/28
DENT150291	Quality of Care/Substandard Practice	Tabled until 9/28
DENT160529	Quality of Care/Substandard Practice	Tabled until 9/28

Executive Director’s Report – Ms. Tanja Battle

Discussed list of non-compliant dentists as it relates to the PDMP requirements.

Attorney General’s Report – Mr. Bryon Thernes

Mr. Thernes presented the following consent orders for acceptance:

- M.Y.F. Public Consent Order accepted
- D.A.P. Public Consent Order accepted

- S.N. Public Consent Order accepted

Mr. Thernes advised the Board that the status of the Board's request for legislative authority regarding the proposed teeth whitening rule is still pending.

Mr. Thernes gave legal advice regarding correspondence submitted from S.S.M. The Board directed staff to respond by stating that teeth whitening is the practice of dentistry and has voted to post a rule regarding teeth whitening that is currently being reviewed.

Legal Services – Ms. Kimberly Emm

- J.R.C. Default on Health Education Assistance Loan Board directed staff to notify licensee of disciplinary action that may be taken.

Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

In regards to the appearance by O.A., Dr. Holcomb made a motion stating that the Board reconsidered the application for reinstatement submitted after the voluntary surrender of the individual's license in 2017. In its review, the Board considered the factors identified in O.C.G.A. § 43-1-19(q)(2) before making its decision to uphold the denial. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

With no further business, the Board meeting adjourned at 12:36 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, October 5, 2018, at 9:00 a.m. at the Department of Community Health's office located at 2 Peachtree Street, N.W., 5th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Support Analyst I
Minutes edited by Tanja D. Battle, Executive Director